

REMARKS

In an Office Action dated May 6, 2011, claims 1-55 were rejected. Herein, claims 2, 4, 5, 10-15, 17, 25-36, 38, 40-44, 46, 48, and 52-55 have been amended. No new matter has been added. Applicants respectfully request further examination and reconsideration in view of the following remarks.

Minor editorial amendments to the specification and abstract have been made. No new matter has been added.

I. Claim Rejections under 35 U.S.C. 101

Claim 46 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. In particular, the Examiner notes that claim 46 is directed to a program, and as such, the Examiner has taken the position that claim 46 is directed to software per se. Applicants note that claim 46 has been amended to recite that the program is embodied on a non-transitory computer readable recording medium. Accordingly, it is respectfully submitted that claim 46 is directed to statutory subject matter, and as such, it is respectfully requested that the rejection of claim 46 under 35 U.S.C. 101 be withdrawn.

II. Claim Rejections under 35 U.S.C. 102

1. Claim Rejections Based on the Kim Reference

Claims 1-4 and 45-47 were rejected under 35 U.S.C. 102(e) as being unpatentable over Kim et al. (US 7,139,014, hereafter “Kim”). Applicants respectfully request reconsideration of the above-noted rejection in view of the following.

Claim 1 recites a control unit operable, when an event occurs while a received television broadcast is being outputted by a display unit and an audio reproduction unit, to control at least one of a displaying of video of the television broadcast by the display unit, a reproduction of audio of the television broadcast by the audio reproduction unit, and the event. Applicants respectfully submit that the above-noted feature of claim 1 are not disclosed, suggested, or otherwise rendered obvious by Kim based on the following.

On page 4 of the Office Action, the Examiner has taken the position that the above-noted feature of claim 1 is taught by the disclosure of Kim at Col. 6, Lines 4-19. Applicants respectfully disagree that the disclosure of Kim identified by the Examiner teaches the above-noted feature of claim 1.

In this regard, Kim is directed to portable communication terminal for voice communication and for image transmission and reception (Abstract). Applicants note that Col. 6, Lines 4-19 of Kim is related to selecting a background image for display on a color LCD of the portable communication terminal. In particular, the cited portion of Kim teaches that a multiplexor may select, as the displayed background image, (i) an external image downloaded from a PC and encoded to be displayed on the color LCD of the portable communication terminal or (ii) an external image captured by a camera unit of the portable communication terminal.

In other words, the portion of Kim cited by the Examiner merely teaches a method of displaying an image. However, Kim fails to teach outputting a received television broadcast to a display, and as such, necessarily fails to teach controlling one of a displaying a video of a television broadcast, a reproduction of audio of the television broadcast, and an event when the event occurs while outputting the television broadcast to the display.

In contrast, claim 1 requires controlling one of a displaying a video of a television broadcast, a reproduction of audio of the television broadcast, and an event when the event occurs while outputting the television broadcast to a display.

In particular, claim 1 recites a control unit operable, when an event occurs while a received television broadcast is being outputted by a display unit and an audio reproduction unit, to control at least one of a displaying of video of the television broadcast by the display unit, a reproduction of audio of the television broadcast by the audio reproduction unit, and the event.

In view of the above, Applicants respectfully submit that Kim fails to disclose, suggest, or otherwise render obvious the above-noted feature of claim 1. Accordingly, claim 1 is patentable over Kim.

Claims 2-4 are patentable over Kim based at least on their dependency from claim 1.

Claims 45 and 46 recite a control step of, when an event occurs while a received television broadcast is being outputted in a display step and an audio reproduction step, controlling at least one of a displaying of video of the television broadcast in the display step, a reproduction of audio of the television broadcast in the audio reproduction step, and the event. Applicants respectfully submit that Kim fails to disclose, suggest, or otherwise render obvious the above-noted feature of claims 45 and 46 for reasons similar to those discussed above with respect to claim 1. Therefore, claims 45 and 46 are patentable over Kim.

Claim 47 recites a control unit operable, when an event occurs while a received television broadcast is being outputted, to control at least one of a displaying of video of the television broadcast, a reproduction of audio of the television broadcast, and the event. Applicants respectfully submit that Kim fails to disclose, suggest, or otherwise render obvious the above-noted features of claim 47 for reasons similar to those discussed above with respect to claim 1. Therefore, claim 47 is patentable over Kim.

2. Claim Rejections Based on the Watanabe Reference

Claims 1-4, 38-42, and 45-47 were rejected under 35 U.S.C. 102(e) as being unpatentable over Watanabe (US 2005/0070327). Applicants respectfully request reconsideration of the above-noted rejection in view of the following.

Applicants note that the instant application claims priority under 35 U.S.C. 119 to Japanese Application No. 2004-165209, which has a filing date of June 2, 2004. It is noted that a certified copy of Japanese Application No. 2004-165209 translated into the English language has been provided in order to perfect the claim for foreign priority under 35 U.S.C. 119.

Additionally, Applicants note that the cited Watanabe reference is the publication of US Application Serial No. 10/948,413, which was filed on September 24, 2004. As such, Applicants note that the filing date of the Watanabe reference (i.e., September 24, 2004) falls between the international filing date for the instant application (i.e., May 17, 2005) and the filing date of the foreign priority application (i.e., June 2, 2004). Thus, the Watanabe reference is an intervening reference that may be removed by perfecting the claim for foreign priority in the instant application (*See* MPEP 706.02(b)).

In view of the above, Applicants respectfully submit that by providing a certified copy of Japanese Application No. 2004-165209 translated into the English language in order to perfect the claim for foreign priority under 35 U.S.C. 119, the intervening Watanabe reference (US 2005/0070327) has been removed as prior art. Accordingly, it is respectfully submitted that the above-noted rejection of claims 1-4, 38-42, and 45-47 has been overcome.

III. Claim Rejections under 35 U.S.C. 103

1. Claims 5-37 and 48-55

Claims 5-37 and 48-55 were rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe. As noted above, the intervening Watanabe reference (US 2005/0070327) has been removed as prior art by providing a certified copy of Japanese Application No. 2004-165209 translated into the English language in order to perfect the claim for foreign priority under 35 U.S.C. 119. Accordingly, it is respectfully submitted that the above-noted rejection of claims 5-37 and 48-55 has been overcome.

2. Claims 43 and 44

Claims 43 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Cortegiano (US 7,251,476). Applicants respectfully request reconsideration of the above-noted rejection in view of the following.

As noted above, the intervening Watanabe reference (US 2005/0070327) has been removed as prior art by providing a certified copy of Japanese Application No. 2004-165209

translated into the English language in order to perfect the claim for foreign priority under 35 U.S.C. 119.

Additionally, Applicants note that the cited Cortegiano reference is the patent granted as a result of US Application Serial No. 10/978,516, which was filed on November 1, 2004. As such, Applicants note that the filing date of the Cortegiano reference (i.e., November 1, 2004) falls between the international filing date for the instant application (i.e., May 17, 2005) and the filing date of the foreign priority application (i.e., June 2, 2004). Thus, the Cortegiano reference is an intervening reference that may be removed by perfecting the claim for foreign priority in the instant application (*See* MPEP 706.02(b)).

Accordingly, Applicants respectfully submit that by providing a certified copy of Japanese Application No. 2004-165209 translated into the English language in order to perfect the claim for foreign priority under 35 U.S.C. 119, the intervening Cortegiano reference (US 7,251,476) has been removed as prior art

In view of the above, Applicants respectfully submit that the above-noted rejection of claims 43 and 44 has been overcome.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that claims 1-55 are clearly in condition for allowance. An early notice thereof is earnestly solicited.

If, after reviewing this Amendment, the Examiner believes that there are any issues remaining which must be resolved before the application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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